

Patent Right	Date	September 20, 2024	Court	Tokyo District Court, 40th Civil Division
	Case number	2023 (Yo) 30402		
- A case in which, when a primary suit seeking injunction against infringement of patent right and a petition for provisional disposition with respect to the same patents and products were concurrently examined, the court issued an order to grant the provisional disposition after the disclosure of its interim views on the existence of infringement on the so-called "appearance date for review."				

### Summary of the Judgment

1. This is a case in which the creditor, the holder of patent rights with respect to a patent for an invention titled "Siphon gutter system" (Patent No. 6784708; referred to below as "Patent 1," and the patent right concerning Patent 1 is referred to below as "Patent Right 1") and a patent for an invention titled "Drain member and rain gutter" (Patent No. 7239774; referred to below as "Patent 2," and the patent right concerning Patent 2 is referred to below as "Patent Right 2"), sought the injunction of manufacturing and sale of the products specified in the List of Debtors' Products attached to this decision which are manufactured and sold by the debtors (these products are distinguished by the numbers specified in the list, for example, "Debtor's Product 1-1," or collectively referred to as "Debtors' Products" below) on an allegation of infringement of Patent 1 and Patent 2 by the Debtors' Products, pursuant to Article 100, paragraph (1) of the Patent Act. In this connection, the creditor also filed a petition for provisional disposition against the two debtors to place Debtors' Products in custody of a court enforcement officer for disposal pursuant to paragraph (2) of that Article, and a provisional disposition against the debtor Panasonic Housing Solutions Co., Ltd. to place a mold for the Debtors' Products in custody of a court enforcement officer for disposal pursuant to the same paragraph.

In this decision, the court held as follows in summary with respect to the Debtors' Products, and found that the Debtors' Products fall under the technical scope of Invention 2-2 as they satisfy all constituent features of Invention 2-2, and that Invention 2-2 cannot be considered to be an invention that should be invalidated in a patent invalidation trial as it satisfies the support requirement and enablement requirement.

Although the facing part of the chute portion of the Debtors' Products is not arranged to cover the opening area of the chute portion in its entirety, it is found to be arranged in the upper part of the chute portion. Therefore, it is reasonable to find that the facing

part of the chute portion of the Debtors' Products satisfy the constituent feature 2-2-D, "lid member."

In addition, the current plate which forms a part of the Debtors' Products (meaning the portion which the creditor refers to as "vertical ribs" of the products; the same applies below) is connected to the lower surface of the flat plate of the facing part of the chute portion, and the connecting part of the lower surface is found to be located in the outer peripheral portion of the lower surface of the facing part of the chute portion, and the current plate is found to be connected to the upper surface of the flange portion of the products.

Considering the above, among the configurations of the Debtors' Products, the current plate which corresponds to constituent feature 2-2-E "vertical ribs " is found to connect the "upper part of the flange portion" and the "outer peripheral portion of the lower surface" of the facing part of the chute portion which corresponds to the "lid member." Therefore, it is reasonable to find that the Debtors' Products satisfy constituent feature 2-2-E.